



Sen. William R. Haine

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09800SB1207sam006

LRB098 02583 KTG 44656 a

1 AMENDMENT TO SENATE BILL 1207

2 AMENDMENT NO. _____. Amend Senate Bill 1207 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 7.16 as follows:

6 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

7 Sec. 7.16. For any investigation or appeal initiated on or
8 after, or pending on July 1, 1998, the following time frames
9 shall apply. Within 60 days after the notification of the
10 completion of the Child Protective Service Unit investigation,
11 determined by the date of the notification sent by the
12 Department, the perpetrator named in the notification ~~a subject~~
13 ~~of a report~~ may request the Department to amend the record or
14 remove the record of the report from the register, except that
15 the 60-day deadline for filing a request to amend the record or
16 remove the record of the report from the State Central Register

1 shall be tolled until after the conclusion of any criminal
2 court action in the circuit court or after adjudication in any
3 juvenile court action concerning the circumstances that give
4 rise to an indicated report. Such request shall be in writing
5 and directed to such person as the Department designates in the
6 notification letter notifying the perpetrator of the indicated
7 finding. The perpetrator ~~If the Department disregards any~~
8 ~~request to do so or does not act within 10 days, the subject~~
9 shall have the right to a timely hearing within the Department
10 to determine whether the record of the report should be amended
11 or removed on the grounds that it is inaccurate or it is being
12 maintained in a manner inconsistent with this Act, except that
13 there shall be no such right to a hearing on the ground of the
14 report's inaccuracy if there has been a court finding of child
15 abuse or neglect or a criminal finding of guilt as to the
16 perpetrator. ~~, the report's accuracy being conclusively~~
17 ~~presumed on such finding.~~ Such hearing shall be held within a
18 reasonable time after the perpetrator's ~~subject's~~ request and
19 at a reasonable place and hour. The appropriate Child
20 Protective Service Unit shall be given notice of the hearing.
21 If the minor, who is the victim named in the report sought to
22 be amended or removed from the State Central Register, is the
23 subject of a pending action under Article II of the Juvenile
24 Court Act of 1987, and the report was made while a guardian ad
25 litem was appointed for the minor under Section 2-17 of the
26 Juvenile Court Act, then the minor shall, through the minor's

1 attorney or guardian ad litem appointed under Section 2-17 of
2 the Juvenile Court Act of 1987, have the right to participate
3 and be heard in such hearing as defined under the Department's
4 rules. In such hearings, the burden of proving the accuracy and
5 consistency of the record shall be on the Department and the
6 appropriate Child Protective Service Unit. The hearing shall be
7 conducted by the Director or his designee, who is hereby
8 authorized and empowered to order the amendment or removal of
9 the record to make it accurate and consistent with this Act.
10 The decision shall be made, in writing, at the close of the
11 hearing, or within 60 ~~45~~ days thereof, and shall state the
12 reasons upon which it is based. Decisions of the Department
13 under this Section are administrative decisions subject to
14 judicial review under the Administrative Review Law.

15 Should the Department grant the request of the perpetrator
16 ~~subject of the report~~ pursuant to this Section either on
17 administrative review or after an administrative hearing to
18 amend an indicated report to an unfounded report, the report
19 shall be released and expunged in accordance with the standards
20 set forth in Section 7.14 of this Act.

21 (Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2014."